

**ENVIRONMENTAL APPEALS BOARD  
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 WASHINGTON, D.C.**

	)	
In re:	)	
	)	
Granite Shore Power Merrimack L.L.C.	)	NPDES Appeal Nos. 20-05 & 20-06
	)	
NPDES Permit No. NH0001465	)	
	)	

**ORDER SCHEDULING ORAL ARGUMENT AND DIRECTING PARTIES TO  
 FILE NOTICE OF PARTICIPATION**

The Environmental Appeals Board (“Board”) has before it two petitions for review of a Clean Water Act National Pollutant Discharge Elimination System permit issued by U.S. EPA Region 1 (“Region”) to Granite Shore Power Merrimack L.L.C. for the Merrimack Station power plant in Bow, New Hampshire.<sup>1</sup> Petition for Review by Sierra Club & Conservation Law Foundation, NPDES Appeal No. 20-05 (July 27, 2020); Petition for Review by Permittee GSP Merrimack L.L.C., NPDES Appeal No. 20-06 (July 27, 2020). The two petitions challenge different aspects of the same permitting decision. As the permit applicant, GSP Merrimack L.L.C. also filed a notice of appearance in NPDES Appeal No. 20-05 pursuant to 40 C.F.R. § 124.19(b)(3) for the purpose of participating in that appeal.

Sierra Club and Conservation Law Foundation have requested oral argument. No party has objected to that request. Upon review of the administrative record and the briefs filed in both

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<sup>1</sup> NPDES Appeal No. 20-06 was initially captioned “In re GSP Merrimack L.L.C.” While GSP has informed the Board that its legal name is “GSP Merrimack L.L.C.,” we have re-captioned the matter as “In re Granite Shore Power Merrimack L.L.C.” as that is the name of the permittee that appears on the permit. *See* Region 1, U.S. EPA, Merrimack Station, NPDES Permit No. NH0001465 (May 22, 2020).

appeals, the Board has concluded that oral argument on each of petitions will assist in its deliberations of this matter. Accordingly, the Board will hold oral argument on both appeals on **Tuesday, February 16, 2020**, beginning at **1:30 p.m. Eastern Time**. The Board intends that each of the two petitions will be the subject of oral argument as set forth in the Oral Argument Structure below. In the argument on each petition, the parties should be prepared to address the arguments made in the briefing on that particular petition.

### **ORAL ARGUMENT STRUCTURE**

#### **NPDES Appeal No. 20-05**

- 30 minutes for Petitioners Sierra Club and Conservation Law Foundation
- 20 minutes for the Region
- 10 minutes for Respondent GSP Merrimack

#### **NPDES Appeal No. 20-06**

- 30 minutes for Petitioner GSP Merrimack
- 30 minutes for the Region

For each appeal, petitioners may reserve up to 10 minutes of their 30-minute time allocation for rebuttal.

Oral argument will be conducted by videoconference. No video or audio recording is allowed. A court reporter will be present, and the Board intends to post a transcript of the argument to the docket in this matter.

The Board directs each party to file a “Notice of Participation” on or before **Monday, January 11, 2020**, providing (1) the name and contact information for the individual who will present argument on its behalf, and (2) the name(s) and contact information for any other person(s) whose participation in the oral argument is deemed necessary. The Clerk of the Board

will contact the parties in advance of the argument to provide further information regarding logistics and to schedule a videoconference approximately one week before the oral argument to identify and resolve any potential technical issues.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by a horizontal line and another stylized 'A'.

Dated: December 15, 2020

By: \_\_\_\_\_

Aaron P. Avila  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing **ORDER SCHEDULING ORAL ARGUMENT AND DIRECTING PARTIES TO FILE NOTICE OF PARTICIPATION** in the matter of Granite Shore Power Merrimack LLC, NPDES Appeal Nos. 20-05 and 20-06 were sent to the following persons in the manner indicated:

**By Email:**

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Dated: December 15, 2020



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Annette Duncan  
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